

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: NW 46 PUD, Large Scale Land Use Amendment from Commercial to Medium Density Residential (MDR); and rezoning from PCD (Planned Commercial Development) to PUD (Planned Unit Development); (Kenneth Wright / Shutts & Bowen, applicant).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West **CONTACT:** Jeff Hopper **EXT** 7431

Agenda Date 01/05/05 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the request for Large Scale Land Use Amendment from Commercial to Medium Density Residential (MDR), and rezone from PCD to PUD, per the attached staff report, on 55 acres located on the east side of North Oregon Street, ½ mile north of SR 46 (Kenneth Wright, applicant); or
2. Recommend DENIAL of the request for Large Scale Land Use Amendment from Commercial to Medium Density Residential (MDR), and rezone from PCD to PUD, on 55 acres located on the east side of North Oregon Street, ½ mile north of SR 46 (Kenneth Wright, applicant); or
3. CONTINUE the public hearing until a time and date certain.


(District 5 – Comm. Carey)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The 55-acre site of this request is an approved PCD permitting office-warehouse uses. In the current proposal the property would be developed as a Planned Unit Development (PUD) containing 450 residential units at a density of 9-10 units per net buildable acre. The submitted plan indicates possible dwelling types as townhouses, condominiums and multi-family housing subject to R-3 and R-4 standards as appropriate.

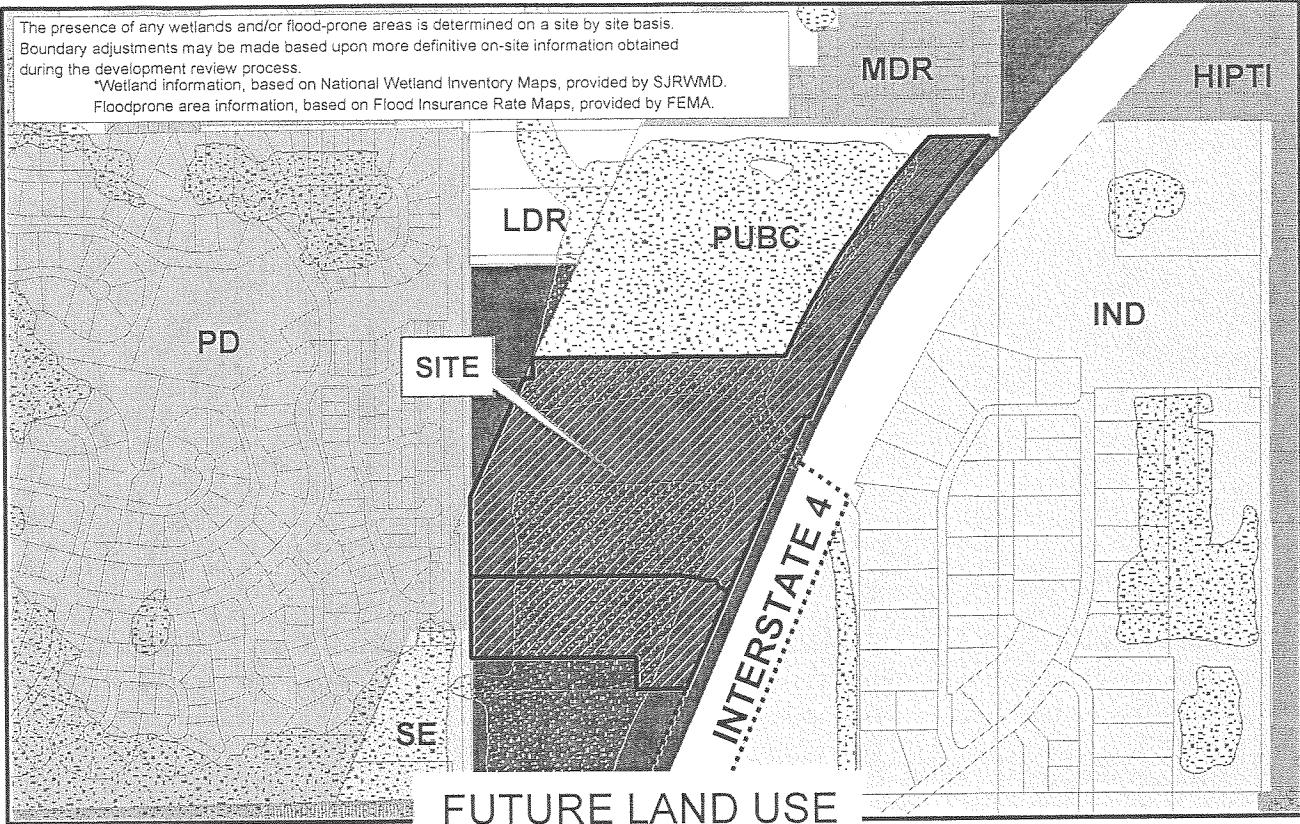
The major issue to be considered is the proposed development's impacts on water use allocations as authorized by the St. Johns River Water Management District (SJRWMD). As a residential development, water use associated with the NW 46 project will exceed amounts that

Reviewed by:	
Co Atty:	_____
DFS:	_____
OTHER:	_____
DCM:	_____
CM:	_____
File No.	<u>Z2004-053,</u> <u>05S.FLU05</u>

would have been generated under the existing zoning and future land use designation. Water demand for the current request has not been anticipated in the County's consumptive use permit from the District. The applicant should address this issue by providing a mitigation plan for water impacts of the development.

STAFF RECOMMENDATION:

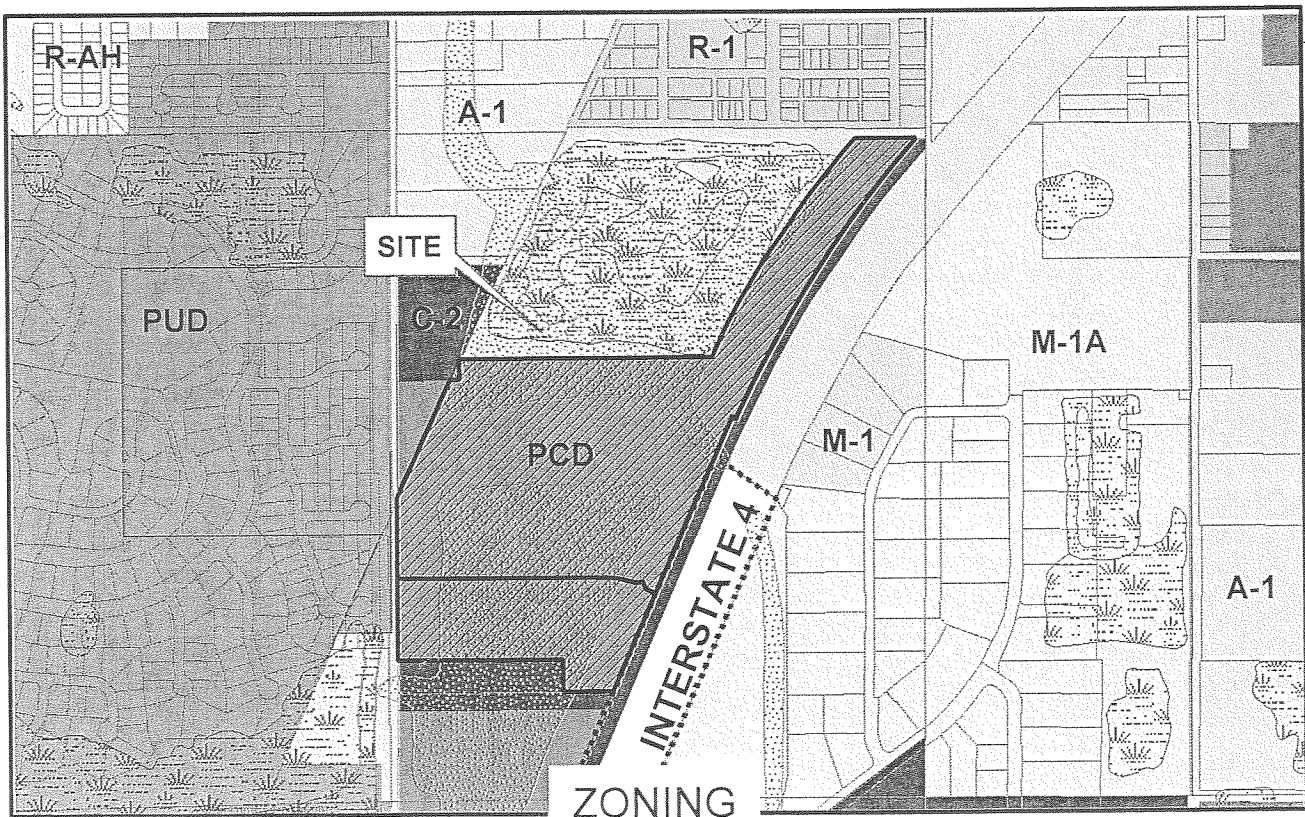
Staff recommends APPROVAL for purposes of transmitting the request to the State of Florida for review. Prior to final adoption in May 2005, the applicant should propose a mitigation plan effectively addressing the water supply issue. Other recommended conditions of approval are listed in the attached staff report and development order.



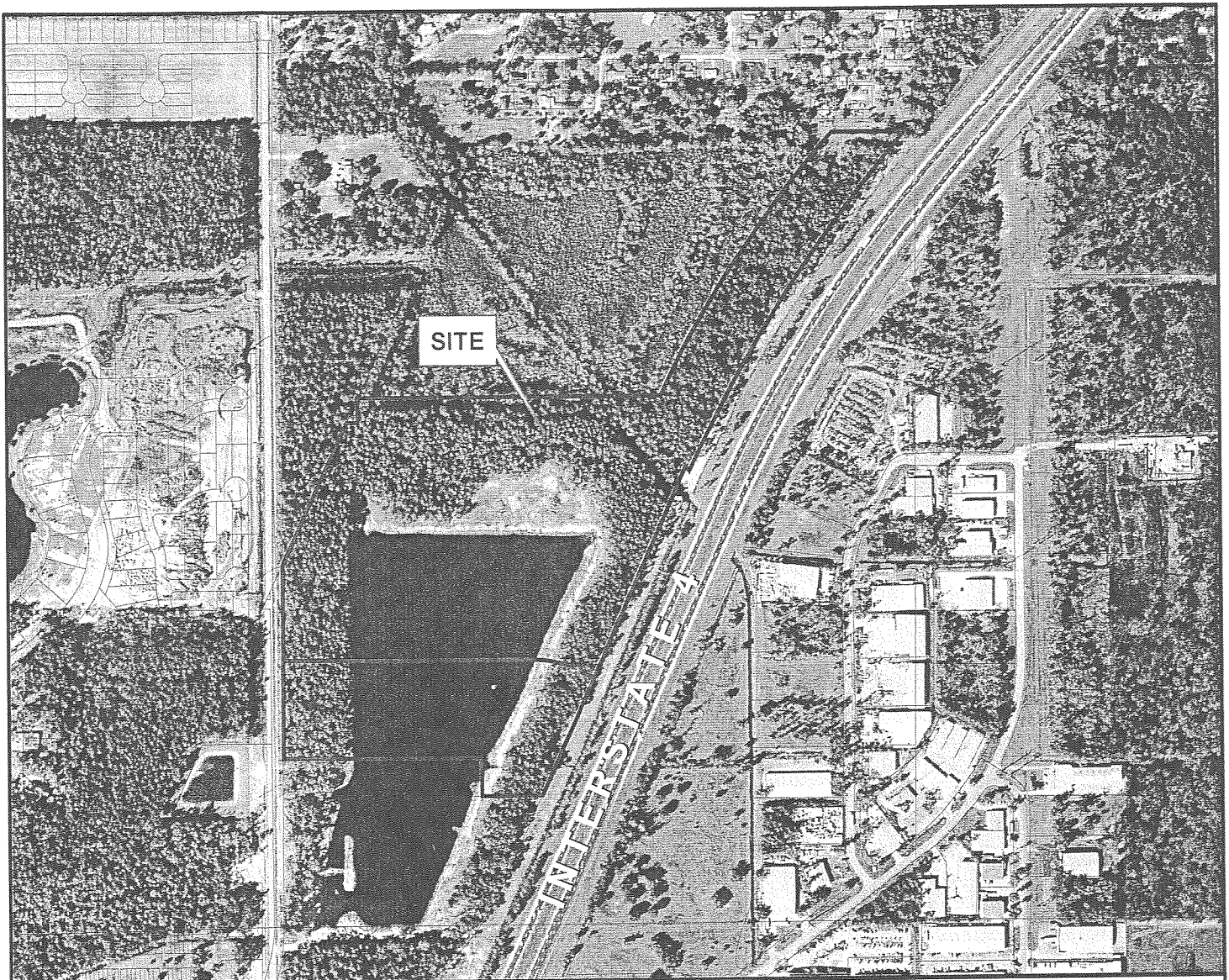
Site
 Municipality
 LDR
 COM
 PUBC
 MDR
 PD
 HIPTI
 IND
 CONS

Applicant: Kenneth W. Wright
 Physical STR: 20-19-30-300-004F and 40 0000
 Gross Acres: 55 acres +/- BCC District: 5
 Existing Use: Vacant General Commercial
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	O5S.FLU05	COM	MDR
Zoning	Z2004-053	PCD	PUD



A-1
 R-1
 R-AH
 PUD
 C-2
 PCD
 FP-1
 W-1




Amendment No: 05S.FLU05

From: COM To: MDR

Rezone No: Z2004-053

From: PCD To: PUD

 Parcel

 Subject Property



February 1999 Color Aerials

NW 46 PUD

Large Scale Land Use Amendment

Staff Report

Commercial to Medium Density Residential (MDR)		Amendment (Z2004-053, 05S.FLU05)
REQUEST		
APPLICANT	Kenneth Wright / Shutts & Bowen	
PLAN AMENDMENT	Commercial to Medium Density Residential (MDR)	
REZONING	PCD to PUD	
APPROXIMATE GROSS ACRES	55	
LOCATION	East side of North Oregon St., ½ mile north of SR 46	
BCC DISTRICT	5, Carey	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION January 5, 2005	Staff recommends APPROVAL for purposes of transmitting the request to the State of Florida for review. Prior to final adoption in May 2005, the applicant should propose a mitigation plan effectively addressing the water supply issue. Other recommended conditions of approval are listed in the attached staff report and development order.	

STAFF ANALYSIS

Commercial to Medium Density Residential (MDR)

Amendment
(Z2004-053,
05S.FLU05)

1. **Property Owner:** Orix Triad Lake Forest LLC
2. **Tax Parcel Numbers:** 20-19-30-300-004F-0000
20-19-30-300-0040-0000
3. **Development Trends:** The site is located in a rapidly developing area west of I-4 and north of SR 46. The subject property itself contributed to this trend through its approval as a PCD. Opposite the site on the west side of N. Oregon St. is Lake Forest, a single family subdivision in PD (Planned Development) at a density comparable to LDR (Low Density Residential). To the south and west are an automobile dealership and an apartment complex, uses which have begun a trend toward higher intensities of development along N. Oregon St. To the north are a conservation area (owned by Seminole County) and a small lot single family subdivision in MDR (Medium Density Residential).

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designation of Commercial, currently assigned to the subject property, permits general retail and office uses.

Location	Future Land Use*	Zoning*	Existing Use
North	Public	A-1	vacant/conservation
South	Commercial	C-2 and PCD	auto dealership
East	NA	NA	Interstate 4
West	Commercial, SE, PD	C-2, PCD, PUD, A-1	single family, vacant

- See enclosed future land use and zoning maps for more details.

COMPREHENSIVE PLAN CONSISTENCY

2. PLAN PROGRAMS - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts: The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Direct access to the subject property is via North Oregon St., designated as a Collector Road. Based on the 2004 traffic count of 1313 average daily trips, the operating level of service (LOS) is "A." The adopted LOS standard is "D." Access to North Oregon St. is from SR 46, a 4-lane arterial road operating at LOS "B" according to 2004 traffic counts. The adopted LOS standard for this segment of SR 46 is "D".

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County*

The subject property is within the Seminole County water and sewer service areas. Sewer service is available to the site. Adequate potable water capacity in this area is a concern and could propose problems for this project. Estimated water consumption for the currently approved office use is 83,853 gallons/day, while the proposed residential use would consume 178,015 gallons/day, an increase exceeding 100 percent. This increase is not reflected in demand estimates employed in the County's consumptive use permit from the St. Johns River Water Management District.

Reclaim water will be available to this project and a connection to reclaimed water will be required.

C. **Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 12.2.2).*

The property is served by the Seminole County EMS/Fire Station #34. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes. As growth continues, it is anticipated that call volume will increase, making response time efficiency problematic. There are strategic plans for an expanded station on the County's west side to compensate for anticipated growth.

D. **School Impacts:** According to calculations provided by the applicant, the development would generate 52 elementary school students, 24 middle school students, and 26 high school students, for a total of 102 school-age children.

3. REGULATIONS - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).*

Adequate potable water capacity in this area is a concern and could propose problems for this project. This is an ongoing issue related to water allotments under Seminole County's consumptive use permit from the St. Johns River Water Management District (SJRWMD). While the applicant has elected to defer a Concurrency determination at this time, a full Concurrency evaluation is required prior to final engineering approval.

B. **Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection:** *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

The site contains no significant areas of wetlands. However, it does contain significant areas of 100-year flood zone as established by FEMA maps. Compliance with Policy FLU 1.2 shall be determined at Final Master Plan.

C. **Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report shall be required prior to final engineering approval for any proposed development on the subject property.

4. DEVELOPMENT POLICIES - Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. **Compatibility:** When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Based upon an initial evaluation, the proposed MDR land use may be compatible with adjoining land uses to the west and south. It would act as an effective transition between High Intensity Planned Development (HIP-TI) areas adjacent to SR 46 to the south and existing single family use in MDR to the north. It is also appropriate as a buffer between Interstate 4 to the east and single family development in Lake Forest to the west.

Applicable Plan policies include, but are not limited to, the following:

Transitional Land Uses (Policy FLU 2.5): *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses.*

"Exhibit FLU: Appropriate Transitional Land Uses" indicates that MDR is an appropriate transitional use adjacent to the single family development to the west, which is consistent with MDR (although the nominal future land use designation is

PD). Adjacent to commercial land uses to the south, MDR can be considered compatible with sufficient buffering to minimize any adverse impacts.

Other applicable plan policies include:

FLU 2.1 Subdivision Standards.

FLU 5.5: Water and Sewer Service Expansion

MDR Future Land Use Definition

B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order. The applicant has elected to defer concurrency review and the site will have to demonstrate concurrency compliance at the time of final engineering.

STAFF RECOMMENDATION:

The proposed development follows a county-wide trend toward new residential development in the medium density range of 5-10 units per acre. Two major issues facing major new projects, particularly residential ones, are school capacities and water use. The school issue is being addressed by both the School Board and the Board of County Commissioners through existing fiscal tools (such as impact fees), and extensive discussions of new strategies for coordinating classroom capacity with new development. The water issue relates to Seminole County's share of available water resources, as determined by the SJRWMD, and is primarily a regulatory problem rather than a supply problem. These issues are general in nature and associated with the County's accelerating urbanization.

While the school issue will be resolved independently, the applicant should address the water issue now by proposing a plan to mitigate the impacts of the development on water allocations. The proposed residential use is not reflected in the calculations of water demand that have been used in forecasting the County's water needs through the current consumptive use permit with the SJRWMD. While the current designation of Commercial entails a certain level of water demand, a change to residential will increase that demand. A mitigation plan is needed to minimize the difference in projected demand resulting from the proposed land use amendment and rezone.

Aside from capacity issues, the proposed NW 46 PUD is compatible with adjoining developments in the HIP-TI and PD future land use designations, and is no more intensive than possible development under the Commercial designation now assigned to the subject property. Internal design issues, such as building heights, parking, and recreational amenities, can be addressed at appropriate steps in the approval process through the Development Order, Final Master Plan, and Developer's Commitment Agreement for the project.

Staff recommends APPROVAL for purposes of transmitting the request to the State of Florida for review. Prior to final adoption in May 2005, the applicant should propose a mitigation plan effectively addressing the water supply issue. Recommended conditions of approval are as follows:

- a. Prior to final adoption of the proposed land use amendment, the applicant shall provide a water use mitigation plan, to the satisfaction of the Environmental Services Director, which will minimize the additional demand on water supplies generated by the request.
- b. Density shall not exceed 450 units or 10 units per net buildable acre, whichever number is less, as determined at Final Master Plan.
- c. Permitted uses shall be townhouses, condominiums, apartments, home occupations and home offices.
- d. A minimum of 25 percent of the project area must be designated as usable common open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
- e. Maximum building height shall be 2 stories and 35 feet.
- f. Sidewalks shall be provided adjacent to all units, visitor parking, and linking to future public sidewalks along North Oregon St.
- g. Building setbacks shall be as follows:

Development perimeter	25'
Front (w/ front entry garage)	20'
Front (w/ rear entry garage)	15'
Side (interior units)	0'
Side (end units)	10'
Side street	10'
Rear	20'
Building separation	20'

- h. Setbacks and buffering for multi-family and condominium structures shall conform to R-3 standards.
- i. Accessory buildings shall not be permitted on individual townhouse lots.
- j. Where garages are entered from the front, there shall be a minimum distance of 20 feet from the front building line to the sidewalk.

- k. All landscape buffers and common areas shall be maintained by a homeowners association.
- l. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to public sidewalks outside the development.
- m. Minimum townhouse lot width shall be 15'.
- n. Front walls of townhouse units shall be staggered.
- o. Mechanical units shall be located and/or screened so as not to be visible from North Oregon St. or adjoining single family development.
- p. Garages shall not be converted to living space.
- q. Each unit shall have a 1-car garage and driveway providing an additional parking space.
- r. Off-street visitor parking shall be provided at the rate of 1 space per 3 units.
- s. Parking of boats, trailers and recreational vehicles shall be prohibited within the development.
- t. A 6-foot PVC fence and 4 canopy trees per 100 feet shall be provided along the south property line.
- u. Outdoor lighting shall be limited to 16 feet in height.
- v. Left- and right-turn lanes shall be provided at each of the project entrances.
- w. The applicant shall dedicate adequate property to provide a 40-foot half right-of-way along N. Oregon St. Additional right-of-way shall be provided as needed for off-site improvements.
- x. The applicant shall be responsible for any signal modifications on SR 46 that may be warranted as a result of this development.

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On _____, Seminole County issued this Development Order relating to
and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the
owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: ORIX TRIAD LAKE FOREST LLC
NW 46 LTD.

Project Name: NW 46 PUD

Requested Development Approval: Large Scale Land Use Amendment from
Commercial to Medium Density Residential
(MDR) and rezoning from PCD (Planned
Commercial Development) to PUD (Planned
Unit Development)

The Development Approval sought is consistent with the Seminole County
Comprehensive Plan and will be developed consistent with and in compliance to
applicable land development regulations and all other applicable regulations and
ordinances.

The owner of the property has expressly agreed to be bound by and subject to
the development conditions and commitments stated below and has covenanted and
agreed to have such conditions and commitments run with, follow and perpetually
burden the aforescribed property.

Prepared by: JEFF HOPPER
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. Prior to final adoption of the proposed land use amendment, the applicant shall provide a water use mitigation plan, to the satisfaction of the Environmental Services Director, which will minimize the additional demand on water supplies generated by the request.
- b. Density shall not exceed 450 units or 10 units per net buildable acre, whichever number is less, as determined at Final Master Plan.
- c. Permitted uses shall be townhouses, condominiums, apartments, home occupations and home offices.
- d. A minimum of 25 percent of the project area must be designated as usable common open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
- e. Maximum building height shall be 2 stories and 35 feet.
- f. Sidewalks shall be provided adjacent to all units, visitor parking, and linking to future public sidewalks along North Oregon St.
- g. Building setbacks shall be as follows:

Development perimeter	25'
Front (w/ front entry garage)	20'
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Side (end units)	10'
Side street	10'
Rear	20'
Building separation	20'

- h. Setbacks and buffering for multi-family and condominium structures shall conform to R-3 standards.
- i. Accessory buildings shall not be permitted on individual townhouse lots.

- j. Where garages are entered from the front, there shall be a minimum distance of 20 feet from the front building line to the sidewalk.
- k. All landscape buffers and common areas shall be maintained by a homeowners association.
- l. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to public sidewalks outside the development.
- m. Minimum townhouse lot width shall be 15'.
- n. Front walls of townhouse units shall be staggered.
- o. Mechanical units shall be located and/or screened so as not to be visible from North Oregon St. or adjoining single family development.
- p. Garages shall not be converted to living space.
- q. Each unit shall have a 1-car garage and driveway providing an additional parking space.
- r. Off-street visitor parking shall be provided at the rate of 1 space per 3 units.
- s. Parking of boats, trailers and recreational vehicles shall be prohibited within the development.
- t. A 6-foot PVC fence and 4 canopy trees per 100 feet shall be provided along the south property line.
- u. Outdoor lighting shall be limited to 16 feet in height.
- v. Left- and right-turn lanes shall be provided at each of the project entrances.
- w. The applicant shall dedicate adequate property to provide a 40-foot half right-of-way along N. Oregon St. Additional right-of-way shall be provided as needed for off-site improvements.
- x. The applicant shall be responsible for any signal modifications on SR 46 that may be warranted as a result of this development.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County

by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Carlton D. Henley, Chairman
Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Orix Triad Lake Forest LLC, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

DAVID R. BROWN
President and CEO

Witness

STATE OF FLORIDA)

)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared David R. Brown, President and CEO, who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION NW 46 PROPERTY:

That part of Section 20, Township 19 South, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Southwest corner of the East 1/2 of said Section 20; thence run N 89°38'35" E along the South line of said East 1/2 for a distance of 25.00 feet to the East Right-of-Way line of Oregon Avenue; thence run N 00°12'27" W along said East Right-of-Way line for a distance of 690.63 feet to the POINT OF BEGINNING; thence continue N 00°12'27" W along said East Right-of-Way line for a distance of 1308.78 feet to the South line of a Florida Department of Transportation Pond, as recorded in Official Records Book 3520 , Page 535, of the Public Records of Seminole County, Florida; thence run N 89°20'41" E along said South line for a distance of 259.29 feet to the Easterly line of said Pond; thence run N 00°39'19" W along said Easterly line for a distance of 100.00 feet to the South line of Borrow Pit No. 2 (retention pond); thence run N 89°20'41" E along said South line for a distance of 1278.52 feet to a point on a non-tangent curve concave Southeasterly and the Easterly line of said Borrow Pit No. 2 having a radius of 6179.65 feet and a chord bearing of N 32°35'43" E; thence run Northeasterly along the arc of said curve through a central angle of 12°06'57" for a distance of 1306.77 feet to a point on a line lying 50.00 feet South of and parallel with the North line of the South 5/8 of the East 1/2 of said Section 20; thence run N 89°16'23" E along said Parallel line for a distance of 315.14 feet to a point on the Westerly Right-of-way line of Interstate 4 (State Road 400), as recorded in Official Records Book 3520, Page 535, of said Public Records, being a point on a non-tangent curve concave Southeasterly having a radius of 5939.65 feet and a chord bearing of S 32°47'00" W; thence run Southwesterly along said Westerly Right-of Way line and the arc of said curve through a central angle of 15°36'44" for a distance of 1618.47 feet to the Northeasterly line of the 90' wide County M. M. Smith Canal Easement as recorded in Official Records Book 3513, Page 1546, of said Public Records; thence run N 37°21'01" W along said Northeasterly line and said Westerly Right-of-Way line for a distance of 22.57 feet to a point on a non-tangent curve concave Southeasterly having a radius of 5959.65 feet and a chord bearing of S 24°30'21" W; thence run Southwesterly along said Westerly Right-of-Way line and along the arc of said curve through a central angle of 01°08'41" for a distance of 119.07 feet; thence run S 24°00'12" W along said Westerly Right-of-Way line for a distance of 1355.40 feet; thence run S 89°38'22" W for a distance of 243.58 feet; thence run N 00°21'38" W for a distance of 157.35 feet; thence run N 90°00'00" W for a distance of 816.93 feet to the POINT OF BEGINNING.

Containing 55.050 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM PLANNED COMMERCIAL DEVELOPMENT (PCD) TO PUD (PLANNED UNIT DEVELOPMENT) DISTRICT; PROVIDING FOR SPECIFIC DEVELOPMENT CONDITIONS BY MEANS OF A DEVELOPMENT ORDER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the document titled "NW 46 PUD Staff Report."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONING.

The zoning classification assigned to the following described property is changed from PCD (Planned Commercial Development) to PUD (Planned Unit Development) in accordance with the contents of the document titled "NW 46 PUD Staff Report" and Development Order #04-23000004:

Legal Description Attached as Exhibit A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County

Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE.

A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon the date of recording of Development Order #04-23000004 in the official land records of Seminole County.

ENACTED this ____ day of ____, 200__.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT "A"

LEGAL DESCRIPTION:

That part of Section 20, Township 19 South, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Southwest corner of the East 1/2 of said Section 20; thence run N 89°38'35" E along the South line of said East 1/2 for a distance of 25.00 feet to the East Right-of-Way line of Oregon Avenue; thence run N 00°12'27" W along said East Right-of-Way line for a distance of 690.63 feet to the POINT OF BEGINNING; thence continue N 00°12'27" W along said East Right-of-Way line for a distance of 1308.78 feet to the South line of a Florida Department of Transportation Pond, as recorded in Official Records Book 3520 , Page 535, of the Public Records of Seminole County, Florida; thence run N 89°20'41" E along said South line for a distance of 259.29 feet to the Easterly line of said Pond; thence run N 00°39'19" W along said Easterly line for a distance of 100.00 feet to the South line of Borrow Pit No. 2 (retention pond); thence run N 89°20'41" E along said South line for a distance of 1278.52 feet to a point on a non-tangent curve concave Southeasterly and the Easterly line of said Borrow Pit No. 2 having a radius of 6179.65 feet and a chord bearing of N 32°35'43" E; thence run Northeasterly along the arc of said curve through a central angle of 12°06'57" for a distance of 1306.77 feet to a point on a line lying 50.00 feet South of and parallel with the North line of the South 5/8 of the East 1/2 of said Section 20; thence run N 89°16'23" E along said Parallel line for a distance of 315.14 feet to a point on the Westerly Right-of-way line of Interstate 4 (State Road 400), as recorded in Official Records Book 3520, Page 535, of said Public Records, being a point on a non-tangent curve concave Southeasterly having a radius of 5939.65 feet and a chord bearing of S 32°47'00" W; thence run Southwesterly along said Westerly Right-of Way line and the arc of said curve through a central angle of 15°36'44" for a distance of 1618.47 feet to the Northeasterly line of the 90' wide County M. M. Smith Canal Easement as recorded in Official Records Book 3513, Page 1546, of said Public Records; thence run N 37°21'01" W along said Northeasterly line and said Westerly Right-of-Way line for a distance of 22.57 feet to a point on a non-tangent curve concave Southeasterly having a radius of 5959.65 feet and a chord bearing of S 24°30'21" W; thence run Southwesterly along said Westerly Right-of-Way line and along the arc of said curve through a central angle of 01°08'41" for a distance of 119.07 feet; thence run S 24°00'12" W along said Westerly Right-of-Way line for a distance of 1355.40 feet; thence run S 89°38'22" W for a distance of 243.58 feet; thence run N 00°21'38" W for a distance of 157.35 feet; thence run N 90°00'00" W for a distance of 816.93 feet to the POINT OF BEGINNING.

Containing 55.050 acres more or less and being subject to any rights-of-way, restrictions and easements of record.